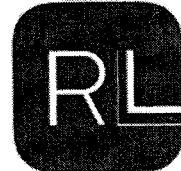


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OCTOBER 21, 2016

# MEMO ENDORSED

The Honorable Kenneth M. Karas  
United States District Court for the Southern District of New York

Re: Porter v. Bunch, et al., No. 16 Civ. 5935 (KMK)

Dear Judge Karas:

I represent Plaintiff Melvin Porter in the above-captioned Section 1983 action alleging, inter alia, that individual employees of the NYS DOCCS committed misconduct that violated Mr. Porter's constitutional rights.

On July 25, 2016, Mr. Porter filed an Original Complaint which identified Defendants solely by their last names (with the exception of NYS DOCCS Sergeant Timothy Bunch). Docket No. 1. At that time, I had a pending FOIL request with the NYS DOCCS seeking the Defendants' full names as well as their service addresses. I have since received NYS DOCCS' response.

Earlier today, I filed a First Amended Complaint pursuant to Rule 15(a)(1)(A) which added the Defendants' full names. I also requested that the Clerk of the Court issue summonses for these individuals using the service addresses provided to me by NYS DOCCS. I believe that the filing of the FAC resets Mr. Porter's deadline for executing service but, out of an abundance of caution, I respectfully request that the Court afford Mr. Porter an enlargement of time to serve Defendants in light of his receipt of the FOIL responses after filing the Original Complaint. //

In connection with all of this, I would like to note that Mr. Porter is well within his statute of limitations such that the extended service period creates no related problems. In addition, the enlarged service period would not create conflict with the Court's schedule insofar as at this writing, the Court has not yet set any conferences in this case.

Unfortunately, NYS DOCCS has been unable to provide me with the complete names and services addresses for Defendant NYS DOCCS Sergeant Cole and NYS DOCCS Officer Waith. I will continue to seek this information through the FOIL or, on information and belief,

I may be able to obtain it in the event that the New York State AG's Office makes an appearance on behalf of one of the Defendants for whom I do have this information, and whom I will serve shortly.

Thank you in advance for your consideration.

Sincerely,

*Ryan Lozar*

Ryan Lozar  
Attorney for Plaintiff

Granted. Plaintiff is given 30 additional days, to effect service on all Defendants.

So Ordered.

*KMK*

10/24/16